

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Wednesday 17th May, 2023

No. 200

SIKKIM STATE ELECTRICITY REGULATORY COMMISSION

No. 404/SSERC/2022-23/02

Date: 11.05.2023

NOTIFICATION

In exercise of the powers conferred by sub-sections (1) and (2) of Section 181 of the Electricity Act, 2003 and all other powers enabling it in this behalf, Sikkim State Electricity Regulatory Commission (SSERC) hereby makes the following regulations:

1. Short Title and commencement: -

- i. These Regulations shall be called the Sikkim State Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access (GEOA) Regulations, 2023.
- ii. These Regulations shall come into force from the date of publication in the Official Gazette of Sikkim.
- iii. These Regulations shall be applicable for allowing Open Access to electricity generated from Renewable Energy Sources, for use of Intra-State Transmission System/s (In-STTS) and/or distribution system/s of licensee/s in the State, including such Intra-State Transmission and/or distribution system/s, which are incidental to Inter-State Transmission of electricity.

2. Definitions:

In these regulations, unless the context otherwise requires-

- a. "Act" means the Electricity Act, 2003 (36 of 2003);
- b. "Central Nodal Agency" means a Central Nodal Agency as notified by the Central Government to set up and operate a single window Green Energy Open Access system for Renewable Energy;
- c. "Commission" means the Sikkim State Electricity Regulatory Commission;
- d. "Consumer" means any person who has contract demand or sanctioned load of 100 kW or more, (captive Consumers shall not have any load limit) who is supplied with electricity from RE sources for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under

this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving renewable energy with the works of a licensee, the Government or such other person, as the case may be;

- e. "Existing Consumer" means a person already availing open Access for sourcing/ supplying renewable energy to the transmission system and/ or distribution system of a licensee in the State under an existing agreement or Government of Sikkim policy on the date of coming into force of these Regulations;
- f. "Forum of Regulators" means the Forum as referred to in sub-section (2) of section 166 of the Act;
- g. "Renewable Energy" means the electrical energy from renewable sources of energy including hydro, pumped storage hydro generation, Energy Storage Systems using entire electricity generated from renewable energy for charging or any other technology as may be notified by the Government of India from time to time and shall also include any mechanism that utilizes green energy to replace fossil fuels including production of green hydrogen or green ammonia;
- h. "Installation" means the whole of electric wires, fittings, motors and apparatus installed and wired by or on behalf of the Consumer on one and the same premises starting from the point of commencement of supply;
- i. "SLDC" means the State Load Dispatch Centre established under the sub-section (1) of Section 31 of the Act;
- j. "Open Access" means the non discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or Consumer or a person engaged in generation in accordance with the Regulations specified by the Appropriate Commission;
- k. "Person" shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial judicial person;
- l. "Premises" includes any land, building or structure;
- m. "State Transmission Utility" means the Board or the Government company specified as such by the State Government under sub-section (1) of section 39 of the Act;
- n. "Wheeling" means the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under Section 62 of the Act;

Words and expressions used and not defined in these Regulations but defined in the Act or the Sikkim State Electricity Regulatory Commission Regulations, shall have the meanings assigned to them in the said Regulation.

3. Criteria for allowing GEOA

- i. The long term GEOA shall be allowed in accordance with the transmission planning criteria and distribution planning code stipulated in the State Grid Code.
- ii. The short-Term/Medium Term open Access shall be allowed, if the request can be accommodated, by utilizing:

- a. Inherent design margins.
- b. Margins available due to variation in power flows.
- c. Margins available due to in-built spare transmission system capacity and/or distribution system capacity created to cater to future load growth.

4. Categorization of Open Access:

The Open Access Consumers shall be classified into the following categories based on the duration of use of the intra-state transmission and/or distribution system:

- i. Long-term Open Access Consumers –persons availing or intending to avail the open Access for a period equal to or more than 5 (five) years.
- ii. Medium-term Open Access Consumers–persons availing or intending to avail the open Access for a period more than one year and less than 5 (five) years.
- iii. Short-term Open Access Consumers –persons availing or intending to avail the open Access for a period of one year or less;

Provided that the short-term open Access Consumer shall be eligible & re-eligible to obtain fresh reservation on filing of application after the expiry of his term and subject to availability. Such eligibility shall be on priority fixed on the basis of the date of application.

5. Eligibility Criteria for applying GEOA

- i. Subject to the provision of these Regulations and system availability, Consumers shall be eligible for open Access to the Intra-State Transmission System of the State Transmission utility or any transmission Licensee/s and distribution system/s of the distribution Licensee/s within the State;

Provided notwithstanding anything contained in these Regulations, any RE generating company having subsisting Power Purchase Agreement (PPA) with the Distribution Licensee, shall be entitled to Open Access for the RE capacity, for which PPA is entered into, except in accordance with the terms of such PPA and also for such capacity (quantum of power) for which Open Access is already granted;

Provided further that, such open Access shall be available on payment of such charges as may be determined by the Commission from time to time.

- ii. Every person, who has constructed a captive generating plant shall have the right to open Access as per the provisions of section 9 of the Act;

Provided that Consumers (except captive Consumers), who have contracted demand or sanctioned load of 100kW and above shall be eligible for Open Access for sourcing RE under these Regulations;

Provided further that the Consumer shall not change the quantum of RE power consumed through open Access for twelve-time blocks in a day, in order to avoid high variation in demand to be met by the distribution Licensee.

6. Nodal Agency

- i. All the applications related to Green Energy Open Access shall be submitted to the portal set up by the Central Nodal Agency. The applications shall be routed to the State Agency (SNA) by the Central Nodal Agency.

- ii. Sikkim State Load Despatch Centre shall operate as the SNA for grant of long term, medium- term and short-term Green Energy Open Access.
- iii. The SNA shall coordinate with transmission licensees including STU and the Distribution Licensees to make available all relevant information regarding Green Energy Open Access to the public on the portal of the Central Nodal Agency.

7. Treatment for existing entities:

The existing Consumer(s)/ generators may continue to avail the RE under open Access as per the existing agreements or government policy for the period specified in those agreement or policies, to the extent they are not inconsistent with the Act;

Provided that the existing Consumer(s)/generators shall continue to pay the applicable charges as specified in their respective agreements, as may be determined by the Commission from time to time;

Provided further that RE open Access for the subsequent period in respect of such Consumer/generator shall be governed by provisions of these Regulations;

Provided also that if Open Access for any additional RE capacity is sought by such existing Consumer(s) /generators in addition to the capacity already contracted under open Access, shall be treated as new application for open Access to the extent of additional capacity sought.

8. Allotment priority

GEOA Consumers shall have preference over normal Open Access Consumers, excluding distribution licensees.

Among the GEOA Consumers, long term GEOA Consumers shall have preference followed by medium term and subsequently short-term, at any given time, subject to availability of spare transmission/ distribution system capacity margins;

Provided that, the decision for allowing the open Access shall be on the basis of first come, first served.

9. Procedure for grant of Green Energy Open Access:-

- i. The GEOA applicant shall submit an application complete in all respects, in format as specified by Central Nodal Agency, on the central portal set up by the Central Nodal Agency.
- ii. The application shall be forwarded to the concerned State Nodal Agency by the Central Nodal Agency for further verification. The time schedule, as per 'Schedule-I' attached to these Regulations shall be followed for processing the Application.
- iii. The State Nodal Agency shall ensure that non-refundable processing fee of ₹ 5000/- (Rupees five thousand only) for long-term/medium-term open Access and ₹ 1000/- (Rupees one thousand only) for short-term open Access is paid by applicant to the nodal agency and the nodal agency shall intimate the same through electronic mode of communication, immediately on receipt of the application from Central Agency. The applicant shall pay the processing fees within one working day.
- iv. An application for a short-term GEOA, for power plant(s) or its/their generating unit(s) which are yet to be commissioned, shall be made not before two months prior to the commissioning date of such power plant(s) or its/their generating unit(s) to avoid unnecessary blocking of corridor.

- v. An application for long-term/medium-term GEOA shall be accompanied by a Bank Guarantee (BG) of ₹ 10000/- (Rupees ten thousand only) per MW, which shall be kept valid and subsisting till the signing of agreement for Wheeling of electricity and such BG shall be encashed by the Nodal Agency, if the application is withdrawn by the applicant prior to the signing of such agreement. On signing of the agreement for Wheeling of electricity, the BG shall be returned immediately to the applicant by the State Nodal Agency. The BG shall be submitted within three working days from the date of intimation by the SNA.
- vi. In case there is any material change with regard to the location of the injection point or quantum of power to be interchanged (by more than ten percent) using the Intra-State transmission and or distribution system, a fresh application shall be made for the entire capacity to ascertain the system availability and such application shall be accompanied by relevant documents, application fees and in case of long term open Access with required bank guarantee for the additional capacity and in case the additional capacity sought for cannot be accommodated in the existing network, the applicant is entitled for open Access to the extent of his original allotment.
- vii. Where any application is rejected for any deficiency or defect, the processing fees and Bank Guarantee, if submitted, shall be returned to the applicant and in such cases, a fresh application to the Central Nodal portal shall be made by the applicant after rectifying the deficiency or defect.
- viii. The State Nodal Agency shall communicate to the applicant through a recognized mode of communication, the grant of open Access or otherwise, within a period of 15(fifteen) days from the date of receipt of the application from the Central Agency.
- ix. Further, during the pendency of application for grant of GEOA, the applicant shall not inject any energy to the licensee's network and the licensee shall not be liable to pay any charges for the energy injected during such period.
- x. Any energy injected into the licensee's network from the date of grant of open Access till the date of submission of agreement for Wheeling, the applicant shall be entitled for payment of energy charges at Average Pooled Power Purchase cost (APPC) rate or 75% of the Generic tariff determined by the Commission or the Central Electricity Regulatory Commission, if the Commission has not determined the Generic Tariff for the relevant year, for the relevant RE Source, whichever is lower.
- xi. The person seeking open Access shall execute the agreement for Wheeling of electricity within the time specified above; failing which the open Access granted or deemed to have been granted shall stand cancelled.
- xii. The transmission Licensee/s distribution Licensee/s and the SLDC shall ensure proper coordination while arranging for Open Access.
- xiii. New generating plant(s) or generating unit(s) seeking long-term Open Access and entering into agreement for Wheeling, shall commission such plant(s) or unit(s) within twelve months from the effective date, failing which the open Access granted shall be deemed to have been cancelled, to avoid unnecessary blocking of the corridor.
- xiv. An Open Access Consumer shall enter into commercial agreements with generators, traders and others, as applicable and such agreements shall include provisions pertaining to payment security mechanism.
- xv. The State Nodal Agency shall host on its website the details of every application received from the Central Agency and the status of such application on a continuous basis, which shall be made available to the public.

- xvi. Provided further that the State Nodal Agency shall prepare formats in line with the procedure followed by Central Nodal Agency, for smooth implementation of the GEOA in the State.

10. Procedure for applying for Day Ahead GEOA Transactions:-

The applicant shall apply to the Central Portal for Day Ahead GEOA Transactions in the standard application format.

For the applications received by the SNA from the Central Agency, before 1300 hours of the day immediately preceding the day of scheduling for day ahead GEOA transaction, the State Nodal Agency shall check for congestion in the system and convey grant of approval or otherwise to the applicant through e-mail or fax, not later than 1500 hours of the day immediately preceding the day of scheduling for day-ahead transaction, after ensuring that there is no subsisting PPA for the capacity sought under OA.

Non-refundable processing fee of ₹ 1000/- (Rupees one thousand only) for each transaction shall be paid by the applicant, in cash or by way of a demand draft or proof of payment through electronic transfer in favour of the State Nodal Agency;

Provided that the actual operationalisation of open Access shall be effected subject to payment by the applicant of the charges as specified in these Regulations and order passed by the Commission from time to time, before 1700 hours of the day immediately preceding the day of scheduling for day-ahead transaction.

Where open Access is denied, the State Nodal Agency shall furnish reasons thereof to the applicant.

11. Non-Utilisation of open Access service by Open Access Consumers

- i. In the event of inability of the short-term open Access Consumer to utilize for more than four hours, full or substantial part of the capacity allocated to him, such a short-term open Access Consumer shall inform the respective SLDC of such inability to utilise the capacity, along with reasons therefore and may surrender the use of capacity allocated to him. However, such short-term Consumer shall bear the full transmission and /or Wheeling charges based on the original reserved capacity and the period for which such capacity was reserved.
- ii. A medium-term/long-term Consumer shall not relinquish or transfer his rights and obligations specified in the Open Access Agreement without prior approval of the Nodal Agency. The relinquishment or transfer of such rights and obligations by a long-term Consumer shall be subject to payment of compensation, as per the terms of the Open Access agreement.
- iii. The SLDC may cancel or reduce the capacity allocated to a short-term Open Access Consumer to the extent it is underutilized, when such a short-term open Access Consumer under-utilizes the allocated capacity more than two times in a month with duration of underutilization exceeding two hours each time or fails to inform the distribution licensee of his inability to utilise the allocated capacity. Such cancellation shall be resorted to after giving due notice.
- iv. The surplus capacity available as a result of its surrender by the short-term open Access Consumer under clause (1) above or reduction or cancellation of capacity by the SLDC under clause (3) above, may be allocated to any other short-term open Access Consumer in the order of pending applications based on the point of injection and drawal.

12. **Open Access Charges:**

The charges on Green Energy Open Access Consumers shall be as follows:-

- a. Transmission charges;
- b. Wheeling charges;
- c. Cross Subsidy charges;
- d. Standby charges, wherever applicable;
- e. Banking charges;
- f. Other fees and charges such as SLDC fees and scheduling charges, Deviation Settlement (DSM) charges as per the relevant regulations of the Commission.

In addition, the GEOA Consumer shall pay the monthly transaction charges of Rs. 3,000/- (Rupees three thousand only) for maintaining the transaction details to the State Nodal Agency and meter reading charges of ₹ 1000/- (Rupees one thousand only) to the concerned licensee(s) who carry out such meter reading.

The above-mentioned charges shall be as per Schedule-II attached to these Regulations.

13. **Banking**

Banking shall be permitted on a monthly basis on payment of applicable charges as determined by the Commission Orders issued from time to time;

Provided that the credit for banked energy shall not be permitted to be carried forward to subsequent months and the credit of energy banked during the month shall be adjusted during the same month.

The payment for the banked energy remaining unutilised shall be as per the actual banked energy, limited to 30% of the consumption during the month from the licensee. The ESCOMs shall pay 75% of the generic tariff determined by the Commission or the CERC if the Commission has not determined the generic tariff for such RE source for such relevant period.

Explanation: The Rules have specified a limit of 30% for the banked energy. The Rules also specify that there is no carry forward from month to month. In such a case, the limit of 30% implies that it is for making payment by the licensee for the banked energy to avoid large quantum of energy being banked. Otherwise, the 30% limit would be defunct.

14. **Curtailment Priority**

In case due to transmission/distribution system constraints or otherwise, it is necessary to curtail the service, the following priority shall be followed:

- a. The short-term open Access Consumer (other than GEOA Consumer) shall be curtailed first followed by short-term GEOA Consumers.
- b. Next, medium-term OA Consumer (other than GEOA Consumer) followed by medium-term GEOA Consumer shall be curtailed.
- c. Next long-term OA Consumer (other than GEOA Consumer) followed by long-term GEOA Consumer shall be curtailed;

Provided that within a category, the GEOA Consumers shall have equal curtailment priority and shall be curtailed on pro-rata basis;

Provided further that distribution licensees shall be curtailed as last resort.

15. Dispute Resolution

All disputes and complaints relating to GEOA shall be made to the SLDC, which will investigate and endeavour to resolve the grievance.

No application for open Access shall be denied unless the applicant has been given an opportunity of being heard in the matter.

If the SLDC is unable to redress the grievance, Petition against the order of the State Nodal Agency, shall be filed before the State Commission, within a period of thirty days from the date of receipt of Order.

The Commission shall dispose off the matter within three months and orders of the Commission shall be binding.

16. Special Energy Meters

1. Tri-vector meters with Time of the Day (TOD) facility shall be installed by the GEOA Generators/Consumers.
2. The meters shall be capable of time-differentiated measurement (15 minutes) of necessary parameters. These meters shall always be maintained in good condition and shall be open for inspection by any person authorized by the State Nodal Agency.
3. The meter shall include CTs, PTs and associated Accessories and shall be tested and calibrated at least once a year.
4. The meters shall be sealed by the distribution licensee in area the Generator/Consumer is situated.
5. In case the meter is provided by the transmission/distribution licensee, the open Access Consumer shall pay for its rent and also provide meter security deposit.
6. The meter shall be capable of communicating its reading to SLDC on real time basis.
7. The metering code prevailing in the State shall be applicable to the GEOA Consumers also.

17. Energy losses

Energy losses of the transmission and distribution system shall be applicable to the GEOA Consumers as specified by the Commission from time to time.

18. Compliance of Grid Code/Distribution Code

GEOA Consumers shall abide by the State Grid Code, Distribution Code and all other Codes and Standards, Demand Side Management Regulations as applicable from time to time.

19. Collection and Disbursement of charges

The charges in respect of GEOA Consumers shall be payable directly to the State Nodal Agency in accordance with the terms and conditions of payment as specified by the State Nodal agency. SNA shall disburse the amount received to the appropriate licensees (Transmission charges to transmission licensee and distribution network charge to the appropriate distribution licensee).

Other GEOA charges, in case of more than one licensee is supplying in the same area, the licensee from whom the Consumer was availing supply shall be paid the amount so collected.

20. Information System

1. SLDC shall post the following information in a separate web page titled "Green Energy Open Access information" and also issue a monthly and annual report containing such information:
 - a. A status report on long term Consumers/medium-term/short term Consumers,
 - b. Floor rate for bidding in case of congestion,
 - c. Peak load flows on EHV and HV lines,
 - d. Information regarding average loss in the transmission system and distribution system as determined by the licensee/s on a monthly basis.
2. The information shall be updated upon every change in status.
3. All previous reports shall be available in the web-archives.
4. The SLDC shall host the above information on its website within one month from the date of notification of these Regulations.

21. Reports

The transmission/distribution licensee shall submit a report to the Commission or as often requested by the Commission, the information in the following format:

Sl No.	Name and address of the Open Access/ Wheeling Consumer	Point of injection	Point of drawal	Capacity allowed (MW)	Period of Open Access allowed	Actual annual utilization of energy in MU

22. Communication facility

GEOA Consumer shall have the requisite communication systems in place to facilitate seamless communication of data/orders/information to/from the State Nodal Agency.

23. Issue of orders and practice directions

Subject to the provision of the Electricity Act, 2003 and these Regulations, the Commission may, from time to time, issue orders and practice directions with regard to the implementation of the Regulations and procedures to be followed.

24. Power to remove difficulties

In case of any difficulty in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the GEOA Consumers, generators and the licensees to take suitable action, not being inconsistent with the provisions of Electricity Act,

2003, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulty.

The GEOA Consumers/licencees may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in implementation of these Regulations.

25. Power to amend:

The Commission may from time to time add, vary, alter, modify or amend any provisions of these Regulations after following the necessary procedures.

26. Interpretation:

The decision of the Commission regarding the interpretation of these Regulations shall be final and binding.

By Order of the Commission

**Karma D. Youtso, SCS
Secretary
Sikkim State Electricity Regulatory Commission**

SCHEDULE -I

Time Frame for Processing Application

Sl.No	Particulars	Time -line	Remarks
1	Date on which application is received by SNA from Central Nodal Agency	Zero Date	
2	Acknowledgement of receipt of Application	Zero Date	The acknowledgement shall be provided immediately by electronic mode.
3	Acceptance of application by SNA after confirming that all the relevant documents are furnished by the applicant including processing fees and BG	Within three working days from zero date	In case the application is incomplete, the SNA shall inform the same in writing rejecting the application and furnishing the details of the defects. After rectifying the defects, a fresh application shall be made.
4	Forwarding of application to STU/Power Department	Within five working days from zero date	On acceptance of the application, the same shall be forwarded to STU/Power Department for ensuring the system availability and that there is no subsisting PPA for the capacity for which the OA is sought.
5	Concurrence form STU/Power Department	Within ten working days from zero date	<p>In case system strengthening is required, the probable date of granting OA shall be intimated to SNA within the same time.</p> <p>In case concurrence is not received within the specified time, SNA shall consider it to be deemed concurrence.</p> <p>Provided that the system studies at the drawl point to ascertain the availability is not required for a Consumer of the licensee availing Open Access, subject to the applicant finishing an undertaking that, he would not exceed the contract</p>

			demand specified in his supply agreement with the licensee even after opting for Open Access.
6	Grant of Open Access otherwise	Within fifteen working days from zero date	<p>The SNA shall intimate the applicant, the grant of OA within the time specified.</p> <p>In case OA is not granted, the same shall be intimated within the above time furnishing the reasons in writing and also the probable date from which the OA can be granted.</p> <p>In case, SNA fails to intimate the grant of OA or otherwise, within the above specified time, the same shall be deemed to have been granted, which is subject to system availability.</p>
7	Submission of agreement by the applicant for long term OA	Within twenty working days from zero date	<p>The applicant shall submit copies of signed agreement to the SNA/parties to the agreement in the format approved by the Commission.</p> <p>In case the applicant fails to submit the WBA within the specified time, the Open Access granted is deemed to have been cancelled.</p>
8	Submission of signed copies of agreement by STU/ Power Department,	Within twenty-five working days from zero date	In case STU/Power Department fail to submit the signed copies to the SNA within the specified time, the WBA is deemed to have been approved (Banking allowed only in case of solar, wind and mini-hydel projects),
9	Effective date for Wheeling	In case the SNA receives the copy of the agreement signed by the applicant,	

		<p>the effective date for commencement of operation of Wheeling of electricity by the applicant shall be the next date from the date of submission of signed copy of the agreement to the SNA.</p> <p>Provided that the above effective date for commencement of Wheeling operation shall also be applicable for banking in case of solar, wind and mini-hydel plants.</p>	
--	--	--	--

SCHEDULE-II

Charges for Green Energy Open Access.

The charges on Green Energy Open Access Consumers shall be as follows:-

- (1) Transmission Charges;
- (2) Wheeling Charges;
- (3) Cross Subsidy Surcharge;
- (4) Standby Charges, wherever applicable;
- (5) Banking Charge and
- (6) Other fees and charges such as SLDC fees and scheduling charges, Deviation Settlement (DSM) charges as per the relevant Regulations of the Commission.

1. Transmission Charges

- i. For use of Inter-State Transmission System: As specified by the Central Commission from time to time.
- ii. For use of Intra-State Transmission System:
 - a. Transmission Charges for Long-Term/Medium-Term Green Energy Open Access, shall be as below:

$$\text{Transmission Charge} = \frac{\text{Total Transmission System Charges (TTSC)}}{\text{Peak load served (PLS)}}$$

Where, Total Transmission System Cost for in STS shall be sum of Annual Revenue Requirement (ARR) or annual transmission service charge of Transmission Licensee(s) in the State approved or adopted by the Commission.

PLS is the Peak load served by the State transmission system during the year;

Provided that, incase of multiple transmission licensees in the States, the ARR for all the Transmission licensees shall be pooled together for computation of TTSC.

Transmission Charges will be calculated as Rs/kW/month or Rs/MW/day.

- b. Transmission Charges for Short-Term Green Energy Open Access, shall be computed as:

$$\text{Transmission Charge (STOA)} = \frac{\text{Total Transmission System Charges (TTSC)}}{\text{Energy transmitted by Transmission Licensee during the year}}$$

Transmission Charge for Short-Term Green Energy Open Access shall be computed in Rs/kWh and it shall be charged on the actual energy transmitted.

- c. While determining transmission charges for the ensuing year, Transmission ARR will be trued up by the Commission as per provisions of the MYT Regulations and on considering the Transmission revenue recovered from the Short-term Green energy Open Access Consumers for the previous year.
- d. In case, where a dedicated transmission system used for Open Access has been constructed for exclusive use of an Open Access Consumer, the transmission charges for such dedicated system shall be worked out by transmission licensee for their

respective systems and get the same approved by the Commission. The charges shall be borne entirely by such Open Access Consumer till such time the surplus capacity is allotted and used for by other persons or purposes.

- e. In addition to Transmission Charge, Intra-State Transmission loss shall be applicable to Consumers seeking Green Energy Open Access. It shall be determined as average of 52-week Intra-State Transmission loss for the previous financial year as approved by the Commission.

2. Wheeling Charges

- a) Wheeling Charges for Long-Term/Medium-Term/Short-Term Green Energy Open Access, shall be computed as:

$$\text{Wheeling Charge} = \frac{\text{Wheeling ARR}}{\text{Energy wheeled during the year}}$$

- (i) Wheeling ARR of Distribution Licensee shall be as approved by the Commission under MYT Tariff Regulations or Order as the case may be.
- (ii) Distribution Licensees shall maintain separate accounting records for the Wires Business and Retail Supply Business and prepare an allocation statement based on the allocation ratio specified by the Commission in the MYT Regulations or any other Regulation or Order as the case may be, for determination of Wheeling ARR for wire business and for determination of Wheeling Charges thereof.
- (iii) In case, voltage-wise segregation (HT/LT) of assets (Gross Fixed Assets) and data of energy wheeled / loss levels over (HT/LT) network is available, separate Wheeling charges (HT/LT) shall be determined as under:
 - i.
$$\text{Wheeling Charge (HT)} = \frac{\text{Estimated/Allocated Wheeling ARR (HT)}}{[\text{Est. Energy wheeled(HT)} + \text{Est. Energy Wheeled(LT)} / (1 - \text{loss at LT})]}$$
 - ii.
$$\text{Wheeling Charge(LT)} = \frac{\text{Estimated/Allocated Wheeling ARR (LT)}}{\text{Energy wheeled (LT)}}$$

Where,

Estimated Wheeling ARR = Wheeling ARR (HT) + Wheeling ARR (LT)

HT(Loss) = Average of 52-week Loss at HT distribution system based on sample feeder level Energy Audit (viz. technical loss assessment)

LT(Loss) = Average of 52-week Loss at LT distribution system based on sample feeder level Energy Audit (viz. Technical loss assessment)

- (iii) Wheeling Charge for Green Energy Open Access shall be computed in Rs/kWh and it shall be charged on the actual energy wheeled.
- b) While determining Wheeling Charges for the ensuing year, Wheeling ARR shall be trued up by the Commission as per the provisions of the MYT Regulations and upon considering the shortfall (excess) revenue recovered from Wheeling Charges for the previous year.
- c) In case, where a dedicated distribution system used for open Access has been constructed for exclusive use of an open Access Consumer, the Wheeling charges for such dedicated system shall be worked out by distribution licensee for their respective

systems and get the same approved by the Commission. Such charges shall be borne entirely by such open Access Consumer till such time the surplus capacity is allotted and used for by other persons;

Provided also that an open Access Consumer connected to the Intra State Transmission system shall be liable to pay the Wheeling charges determined under this Regulation, if such Consumer was paying Wheeling charges directly or indirectly before availing the Green Energy Open Access.

- d) In addition to Wheeling Charge, Wheeling loss shall be applicable to Consumers seeking Green Energy Open Access and it shall be determined as average of 52-week Wheeling loss for the previous year as approved by the Commission;

Provided that, the Wheeling loss shall include only technical loss and not Aggregate Technical and Commercial loss of that Distribution Licensee. The Commission shall consider the Average 52-week loss for HT/LT network, as applicable;

Provided that if feeder-wise data of losses is not available, the Commission shall consider the voltage-wise sample feeder for determining the Wheeling losses.

3. Cross Subsidy Surcharge

- a) If Green Energy Open Access facility is availed by across-subsidising Consumer of a distribution licensee of the State, then such Consumer, in addition to transmission and Wheeling charges, shall pay cross subsidy surcharge determined by the Commission. Cross subsidy surcharged determined on Per Unit basis shall be payable, monthly by the Green Energy Open Access Consumers based on the actual energy drawn during the month through Open Access. The amount of surcharge shall be paid to the distribution licensee of the area of supply from whom the Consumer was availing supply before seeking open Access.

- b) The Cross-Subsidy Surcharge (CSS) shall be determined in accordance with the following formula specified in Tariff Policy, 2016 as amended time to time:

$$CSS(S)=T-[C/(1-L/100)+ D+R]$$

Wherein:

S-surcharge.

T - Tariff payable by the relevant category of Consumers, including/ reflecting the Renewable Purchase Obligation.

C - Per unit weighted average cost of power purchase by Licensee, including meeting Renewable Purchase Obligation.

L – Aggregate of transmission, distribution and commercial losses, expressed as a percentage applicable to the relevant voltage level.

D-Aggregate of transmission, distribution and Wheeling charge applicable to the relevant voltage level.

R – Per unit cost of carrying regulatory assets.

Provided that in case the above formula gives negative value of surcharge, the same shall be zero.

- c) The Cross-Subsidy Surcharge shall not exceed 20% of the tariff or Average Billing Rate (ABR) applicable to the category of the Consumers seeking Green Energy Open Access;

Provided that the Commission may fix a lower surcharge in the situation of shortage and load shedding by the distribution licensee;

Provided further that such cross-subsidy surcharge shall not be levied in case distribution Access is provided to a person who has been availing green power from the plant established as captive generation plant for his own use;

Provided also that cross subsidy surcharge and additional surcharge shall not be applicable in case power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the Open Access Consumer;

Provided also that additional surcharge shall not be applicable in case electricity produced from off shore wind projects, which are commissioned upto December, 2025 and supplied to the Open Access Consumer.

- d) Cross-Subsidy Surcharge for Green Energy Open Access shall be computed in Rs/kWh and shall be charged on the actual energy consumed by the Consumer under Green Energy Open Access.

4. Stand by Facility and Charges

- a) In case the Green Energy Open Access Consumer is unable to procure/schedule power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission systems and the like, standby arrangement shall be provided to Green Energy Open Access Consumer by the distribution licensee in the area of its supply.

- b) The Standby Charges for Green Energy Open Access for such stand by arrangement shall not be more than 25% of the energy charges applicable to the Consumer category;

Provided that such Stand by Charges shall not be applicable if the Green Energy Open Access Consumers have given notice, at least a day in advance before gate closure in DAM on 'D-1' day, 'D' being the day of delivery of power, for standby arrangement to the distribution licensee.

- c) The Standby Charges for Green Energy Open Access shall be computed in Rs/kWh and it shall be charged on the actual energy drawn by the Consumer from distribution licensee during the period of standby availed by Green Energy Open Access Consumer in case of outage of RE generator under Green Energy Open Access.

5. Banking Facility and Charges

- a) Banking facility shall be provided to the Consumers availing Green Energy Open Access. The surplus energy from a 'Green Energy' Generating Station after set off shall be banked with the Distribution Licensee.

- b) The banking facility including injection of surplus energy and drawl of banked energy shall be subject to scheduling.

- c) The Banking Charges shall be adjusted in kind @8% of the energy banked.

- d) The Banking of energy shall be permitted at least on a monthly basis as per calendar month;

Provided that the credit for banked energy shall not be permitted to be carried forward to subsequent banking cycles and the credit for energy banked during the month shall be adjusted during the same banking cycle as per the energy injected in the respective Time

of Day ('TOD') slots determined by the Commission in its Orders determining the tariff of the Distribution Licensee;

Provided further that, the energy banked during peak TOD slots shall be permitted to draw during peak as well as off-peak TOD slot by paying the banking charges as specified in Regulation (5c) of Schedule-II. However, the energy banked during off-peak TOD slots shall be permitted to draw during off-peak ToD slot only.

- e) The un-utilized surplus banked energy at the end of the month, shall be considered as lapsed at the end of each banking cycle;

Provided that, the RE Generating Station would be entitled to Renewable Energy Certificates to that extent.

6. Other Charges

In addition to above charges, the Consumer availing Green Energy Open Access shall also pay the following charges determined by the Commission as per the provisions of the relevant Regulations of the Commission:

- a) Applicable SLDC fees and charges.
- b) Scheduling charges.
- c) RE Deviation Settlement charges (RE-DSM).